



500.41206X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): H. TANAKA
Serial No.: 10/075,243
Filed: February 15, 2002
For: HARD DISK DRIVE
Group: 2651
Examiner: K. Wong

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Technology Center 2600

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 16, 2004

Sir:

In response to the Office Action dated July 23, 2004, the following remarks are respectfully submitted in connection with the above-identified application

The requirement to elect a single disclosed species of the alleged following patentably distinct species of the claimed invention identified by the Examiner as Species 1: Figs. 2-3; Species 2: Fig. 4; Species 3: Fig. 5; and Species 4: Fig. 6; is traversed in that applicants submit that generic or sub-generic claims are present in this application.

Applicants note that claims 1, 12 and 18 are independent claims with dependent claims dependent thereon, and applicants submit that the independent claims represent generic or sub-generic claims, at least one of which is readable on more than one of the species identified by the Examiner, such that these claims are generic or sub-generic claims. As recognized by the Examiner, upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species. Accordingly, applicants request withdrawal of the election requirement.

In order to provide a complete response to the election requirement, applicants provisionally elect, with traverse, Species 1: Figs. 2-3; and submit that claims 1-10 and 18-21 are readable on the elected species and include generic or sub-generic claims therein.

For the foregoing reasons, withdrawal of the election requirement and favorable action with respect to all claims present in this application are respectfully requested.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (520.41206X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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